

AARON D. FORD
Attorney General
SHERYL SERREZE (Bar No. 12864)
Deputy Attorney General
State of Nevada
Office of the Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
Telephone: (775) 684-1272
Fax: (775) 684-1108
Attorney for Respondents

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOHNNY ESQUIVEL,

Petitioner,

vs.

BRIAN WILLIAMS, et al.,

Respondents.

Case No. 2:17-cv-02227-RFB-BNW

**UNOPPOSED MOTION FOR
ENLARGEMENT OF TIME TO FILE
ANSWER TO AMENDED
PETITION [ECF NO. 15]
(FIRST REQUEST)**

Respondents, by and through counsel, AARON D. FORD, Attorney General of the State of Nevada, hereby respectfully move this Court for an order granting a sixty day (60) day enlargement of time, to and including Friday, August 21, 2020, in which to file and serve the answer to Johnny Esquivel's (Esquivel) amended petition for a writ of habeas corpus file pursuant to 28 U.S.C. § 2254. This motion is based upon the provisions of Rule 6(b) of the Federal Rules of Civil Procedure and the attached Declaration of Counsel, as well as all other papers, documents, records, pleadings and other materials on file herein.

There have been no prior enlargements of Respondents' time to file this answer; Assistant Federal Public Defender Jeremy C. Baron has indicated that he has no objection; and this motion is made in good faith and not for the purposes of delay.

RESPECTFULLY SUBMITTED this 16th day of June 2020.

AARON D. FORD
Attorney General

By: /s/ Sheryl Serreze
SHERYL SERREZE (Bar No. 12864)
Deputy Attorney General

AARON D. FORD
Attorney General
SHERYL SERREZE (Bar No. 12864)
Deputy Attorney General
State of Nevada
Office of the Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
Telephone: (775) 684-1272
Fax: (775) 684-1108
Attorney for Respondent

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOHNNY ESQUIVEL,

Petitioner,

vs.

BRIAN WILLIAMS, et al.,

Respondents.

Case No. 2:17-cv-02227-RFB-BNW

DECLARATION OF COUNSEL

I, SHERYL SERREZE, hereby states, based on personal knowledge and/or information and belief, that the assertions of this declaration are true:

1. I am a Deputy Attorney General employed by the Attorney General's Office of the State of Nevada in the Bureau of Criminal Justice, Post-Conviction Unit, and I make this declaration on behalf of Respondents' motion for enlargement of time.

2. By this motion, I am requesting a sixty day (60) day enlargement of time, to and including Friday, August 21, 2020, in which to file and serve the answer to Johnny Esquivel's (Esquivel) amended petition. ECF No. 15. This is my first request for an enlargement of time to file an answer.

3. The answer is currently due on June 22, 2020. ECF No. 45 at 1:22-24.

4. On May 3, 2018, Esquivel filed his counseled amended federal petition. ECF No. 15. On November 7, 2018, Respondents filed a motion to dismiss. ECF No. 20. On September 30, 2019, this Court entered an order partially granting the motion to dismiss. ECF No. 36. Esquivel filed a motion for

///

1 partial dismissal of grounds six and seven, ECF No. 42, which the Court granted on May 5, 2020. ECF
2 No. 45.

3 5. Undersigned counsel has the following federal filing deadlines in the upcoming month:
4 *Alvarez v. Neven, et al*, United States Court of Appeals for the Ninth Circuit Case No. 18-15516
5 (Answering Brief Due 7/9/2020); *Willing v. Williams, et al*, (2:14-cv-01194-RFB-DJA)(Answer Due
6 7/13/2020); *Azcarate v. Williams, et al*, (2:17-cv-02190-RFB-EJY)(Answer Due 7/15/2020); *Williams*
7 *v. Baca, et al.*, (3:19-cv-00575-MMD-CLB)(Response due 7/19/2020); *Stevens v. Howell, et al*, (2:19-
8 cv-00949-KJD-VCF)(Answer Due 7/21/2020); *Perez-Marquez v. Gentry, et al.*, (2:17-cv-01501-RFB-
9 BNW)(Response due 7/27/2020); *Preciado-Nuno v. McDaniel, et al*, (3:19-cv-00103-HDM-
10 WGC)(Answer Due 7/27/2020).

11 6. A motion for expedited trial was also recently granted in *In The Matter Of The Wrongful*
12 *Conviction Of Cathy Woods*, Second Judicial District Court Case No. CV19-02376. Discovery must be
13 completed by 6/25/2020; undersigned counsel is taking the deposition of Ms. Woods on 6/17/2020;
14 dispositive motions are due 7/16/2020; and trial is set for 9/14-9/15/2020.

15 7. In addition, the Nevada Court of Appeals has requested that an Answering Brief be filed
16 by 6/25/2020 in *Holmes v. Nevada Dept. of Corrections, et al.*, Nevada Court of Appeals, Case No.
17 78878-COA.

18 8. I am therefore requesting the sixty day (60) day enlargement of time, to and including
19 Friday, August 21, 2020, in which to file and serve the answer to Johnny Esquivel's (Esquivel)
20 amended petition. This is my first request for enlargement.

21 9. On June 12, 2020, I contacted Assistant Federal Public Defender Jeremy C. Baron
22 regarding this request for an extension of time. As a matter of professional courtesy, Mr. Baron had no
23 objection to the request. This lack of objection should not be considered as a waiver of any procedural
24 defenses or statute of limitations challenges, or construed as agreeing with the accuracy of the
25 representations in this motion.


26 10. This motion for enlargement of time is made in good faith and not for the purpose of
27 unduly delaying the ultimate disposition of this case.

28 ///

1 Pursuant to 28 U.S.C. § 1746, Declarant herein certifies, under penalty of perjury, that the
2 foregoing is true and correct.

3 /s/ Sheryl Serreze
4 SHERYL SERREZE

5 IT IS SO ORDERED:

6
7 
8 RICHARD F. BOULWARE, II
9 UNITED STATES DISTRICT JUDGE

10 DATED this 17th day of June, 2020.
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General and that on this 16th day of June 2020, I served a copy of the foregoing **UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO FILE ANSWER TO AMENDED PETITION [ECF NO. 15] (FIRST REQUEST)**, by U.S. District Court CM/ECF electronic filing to:

Jeremy C. Baron
Assistant Federal Public Defender
411 E Bonneville Ave. Suite 250
Las Vegas, Nevada 89101

/s/ Lisa Clark